

REMARKS

Claims 1-16 are pending in the present application.

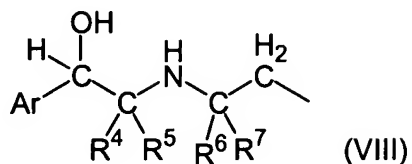
In a communication dated May 24, 2006, the Examiner required an election of species. Stating that "due to the numerous and widely divergent variables in the compound of Formula (I)...a precise listing of inventive groups cannot be made", the Examiner provided a list of exemplary groups and asked that Applicants identify a specific chemical species and "may" elect a disease to be treated. After such election, the Examiner would "endeavor to group that selection." In a telephone interview with the Examiner on June 6th, 2006, an agreement was reached as follows:

- 1) Applicants may suggest a group for examination based on any one species disclosed in the Specification.
- 2) Applicants may refrain from electing a method of use at this time.

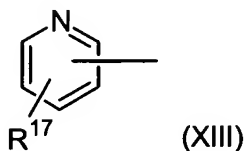
For the purpose of examination of the present application, Applicants elect, without traverse, the species of the compound of Example 146 on page 158 of the Specification. Furthermore, Applicants refrain from electing a method of use at this time and reserve the right to do so at a later time.

Because none of the exemplary groups provided by the Examiner covers the specific compound of Example 146, Applicants suggest a "modified Group V" for examination, with Ar being the pyridyl group and Q defined as $C(W) = C(R^{3A})-N(R^3)$ or $C(R^{3A})=C(W)-N(R^3)$. Thus, the elected group is

Group Va: Claims 1-13 (in part) directed to products of the formula (I) in which R^1 is $X-R^{1e}-C(=O)NR^{1a}R^{1b}$, $X-R^{1e}-C(=O)OR^{1a}$ or $X-R^{1d}$, X is O, S or $SO_2N(R^{1c})$, R^2 is H or lower alkyl; Q is $C(W) = C(R^{3A})-N(R^3)$ or $C(R^{3A})=C(W)-N(R^3)$; R^3 is H or lower alkyl; W is formula (VIII)



R^4 , R^5 , R^6 and R^7 are H or lower alkyl; Ar is a group of the formula (XIII)



And R^{17} is H, halogen or a cyano group.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Registration No. 36,623 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No.: 10/517,446

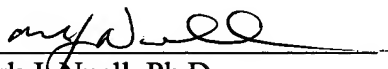
Docket No.: 0020-5328PUS1

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: June 19, 2006

Respectfully submitted,

By 
Mark J. Nuell, Ph.D.
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant